

August 4, 2008

Patricia A. Harris
301 215 6613
patricia.harris@hklaw.com

VIA ELECTRONIC AND FIRST CLASS MAIL

The Honorable Susan R. Hoffmann, Mayor
and Members of the City Council
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Pike Center – 12101 Rockville Pike

Dear Mayor Hoffmann and Members of the Rockville City Council:

JBG/Rosenfeld Retail Properties (“JBGR”) is the owner of the 6.8 acre Pike Shopping Center, located on the east side of Rockville Pike (the “Property”). The Property is contiguous to the southern boundary of the City of Rockville (the “City”) and is within the Maximum Expansion Limits (“MEL”) of the City. It is our understanding that the Sectional Map Amendment that will rezone the City to implement the RORZOR recommendations will identify the potential future zoning of sites within the MEL. The purpose of this letter is to request that the City recognize that the MXTD Zone would be the most appropriate zone for the Property if the Property is eventually annexed into the City.

Rationale for the Request

The MXTD Zone, as set forth in Section 25.13.02 of the Recommended Draft of the Zoning Ordinance, dated May 21, 2008, provides for high density development or retail, office and residential uses in areas near Metro Stations. The Property is an excellent candidate for designation as an appropriate property for future rezoning to this Zone if the Property is annexed into the City.

The Property is close proximity (1,600 feet) to both the Twinbrook Metro Station and to properties on the east side of Rockville Pike within the City limits that are currently recommended on the draft zoning map as appropriate for the MXTD Zone. The Property shares the characteristics of the nearby properties proposed to be rezoned to the MXTD Zone because it is: (1) in close proximity to the Twinbrook Metro Station; (2) located along Rockville Pike; (3) located along Chapman Avenue that is proposed to be extended and that will become a major improved pedestrian walkway to the Twinbrook Metro Station; and (4) an excellent candidate for redevelopment to a high density mixed-

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The Honorable Susan R. Hoffmann

August 4, 2008

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use development because it currently is an outdated, underutilized Shopping Center in an area that is ripe for redevelopment because it is near an intense, high-rise development to its south. The City's acknowledgement now that the Property is appropriate for inclusion in the MXTD Zone in the future, if annexation into the City of Rockville is pursued, will help to ensure that a significant and well-located Property will be planned and zoned to reflect its full potential to redevelop in accordance with the principles of both smart growth and urban design.

For these reasons, we request that the Property be depicted in the MXTD Zone on the map that will accompany the Sectional Map Amendment implementing the RORZOR recommendations. Thank you for your consideration of this request.

Very truly yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read 'Patricia A. Harris', written over a horizontal line.

Patricia A. Harris

cc: Mr. Rod Lawrence
Ms. Susan Swift
Mr. Jim Wasilak

August 6, 2008

Patricia A. Harris
301 215 6613
patricia.harris@hklaw.com

VIA ELECTRONIC AND FIRST CLASS MAIL

The Honorable Susan R. Hoffmann, Mayor
and Members of the City Council
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Routed To:

☒ Council
☐ City Clerk
☒ City Manager

☒ City Attorney
☐ Council Support Specialist
☒ Other

Susan Swift
Jim Waselake
Dean Mellander

Re: Rockville Zoning Ordinance Revision ("RORZOR")

Dear Mayor Hoffmann and Members of the Rockville City Council:

On behalf of The JBG Companies, we want to thank you for affording us the opportunity to actively participate in the RORZOR process, and to present development scenarios to the Mayor and Council on July 30, 2008. Evaluating potential "real life" applications of the Zoning Ordinance draft has been helpful to us in analyzing the proposed Ordinance, and we hope it aided your review as well. In this vein, while we commend the positive revisions to the draft ordinance made to date by Staff, the Planning Commission, and the Mayor and Council, we would like to take this opportunity to highlight a few remaining provisions which we believe would benefit from further review and consideration by the Mayor and Council:

- **Public Use Space:** We would like more flexibility in the ordinance to meet public use space requirements, specifically allowing the use of residential courtyard space. Though these spaces may only be accessible to the residents and guests of the building, they provide benefits to the public at large in terms of architecture, light and air corridors, aesthetic enhancements, and permeable surface/green roof areas.
- **Ground Floor, Floor to Ceiling Heights (Special Design Regulations – Section 25.13.07):** The provision of a 15 foot ground floor is overly specific. While this is generally a good rule of thumb, we have found attractive, inviting retail uses or other first floor uses may be accommodated in spaces with variable ceiling heights, and think this requirement would be best met through design guidelines.

- Front Façade Building Height: Section 25.13.05b.2. provides that front building facades in the MXTD Zone “should have” a range of heights between 45 to 65 feet. While this language is more relaxed than the earlier version which required a specific height, we believe that the current language does not provide enough flexibility and is likely to be interpreted as a mandate for a specific height. As was demonstrated during the 1800 Rockville Pike test case, varying heights along the street edge not only provide for enhanced visual interest, but can also often be necessary to meet light and air requirements in complex mixed-use projects. Projects in the MXTD will in most cases be subject to both Mayor and Council and Planning Commission review and approval and thus this design element may be determined on a case by case basis. As a result, we would recommend that the front building façade height provision be eliminated from the Zoning Ordinance and instead be provided for in design guidelines.
- Design Guidelines: Many of the design guidelines set forth in Section 25.13.06 are well intentioned and may yield positive results in certain applications. However, we remain concerned about the subjective nature of the guidelines and encourage the Mayor and Council to provide for flexibility in their application.

We appreciate the opportunity to share these concerns with you. We look forward to the Mayor and Council’s consideration of these items.

Very truly yours,

HOLLAND & KNIGHT LLP



Patricia A. Harris

cc: Ms. Susan Swift
Mr. James Wasilak
Mr. Deane Mellander
Mr. Greg Trimmer
Mr. Tony Greenberg



"jrbarron95"
<jrbarron95@comcast.net>

08/24/2008 09:51 PM

To <mayorcouncil@rockvillemd.gov>

cc "JoAnne Barron" <jrbarron95@comcast.net>, "Bruce
Blumberg" <bblumberg@abarisrealty.com>, "Betty
Figure" <bf15154@comcast.net>, "Butler, Lillian"

bcc

Subject Rezoning Woodley Gardens

Dear Mayor and City Council:

I am absolutely opposed to the effort that became to be known as the Rockville Zoning Ordinance Revision Committee (RORZOR.)

The primary changes for the Woodley Gardens Shopping Center are as follows:

- a.) now zoned as "C-1" 30 feet/two story no residential.
- b.) will be zoned MXNC "Mixed Use Neighborhood Scale," which allows 45 feet/four story with residential. However, the new zoning may embolden Woodley Gardens Shopping Center current or future owners to maximize their investment by increasing height and density once RORZOR passes.

The last thing our community wants to see a four story commercial/residential structure juxtapositioned in the middle of our homes and parks, more traffic, less parking and failing local businesses, due to higher rent.

I am opposed:

- a. to any re-zoning of the Woodley Gardens to MXNC zoning (45 foot/4 story height),
- b. opposed to the MXNC residential component (condos/apartments),

I advocate to maintain the current C-1 zoning (30 foot, 2 story non-residential); advocate to re-open the RORZOR public record and advocate for one last public hearing to object to these changes since there was no information sent to me as a local citizen involved in these discussions.

Am forwarding this message to those interested citizens in my neighborhood ,who also may want to voice their opposition at the next meeting, September 8th at 7:00 PM to testify at City Hall. I encourage condo owners and members of the board to testify. If we are to preserve our neighborhood, we must take action now.

Thank you for consideration of this request. Please add these remarks to the minutes of the September 8th meeting, in the event that I may not be able to attend.

JoAnne Riley Barron
765 Azalea Drive
Rockville, MD 20850
301-279-7604



"lillian butler"
<lily3bgood@gmail.com>
08/24/2008 10:15 PM

To mayorcouncil@rockvillemd.gov
cc bblumberg@abarisrealty.com, jrbarron95
<jrbarron95@comcast.net>, "Lily Butler"
<lbutler2005@comcast.net>
bcc
Subject Rezoning Woodley Gardens

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- a.) now zoned as "C-1" 30 feet/two story no residential.
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Thank you for consideration of this request. Please add these remarks to the minutes of the September 8th meeting, in the event that I may not be able to attend.

Lillian M. Butler
771 Azalea Drive
Rockville, MD 20850
301-762-0624

SHULMAN ROGERS GANDAL PORTY & ECKER, P.A.

301-230-5224

nregelin@srgpe.com

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Mimi L. Magyar
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Melissa G. Bernstein
John D. Sadler
Marc E. Pasckoff
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Exhibit No. 90
Zoning Ordinance Rewrite
PH Dates: 6/16 & 6/30/08

William B. Schroeder
Lawrence M. Kramer
Alexander C. Vincent
Stacey L. Schwaber
Couragey R. Sidnor
Michelle Hunter Green
Jesse O. Hepburn
Mark R. Mann
Max J. Masner
Alan J. Sutton
Elizabeth T. Passyn
Rachel E. Solomon
Reza Golezorki
Edward P. Henneberry
SaMona L. Watts

Ira E. Hoffman
Special Counsel
Philip R. Hochberg
Retired
Karl L. Ecker

Maryland and D.C. except as noted:
+ Virginia also * D.C. only
• Maryland only ■ VA only
† MD and VA only
▲ MD and D.C. only

August 25, 2008

The Honorable Susan Hoffmann
Council of Rockville
111 Maryland Avenue
Rockville, Maryland 20852

Re: Burgundy Park Shopping Center

Dear Mayor and Members of the Council:

Routed To:

☒ Council

☐ City Clerk

☒ City Manager

☐ City Attorney

☐ Council Support Specialist

☒ Other Susan Swift

Jim Wasilak
Dean Mellander

This Firm represents the owner of the Burgundy Park Shopping Center. The purpose of this letter is to correct information provided by staff regarding the number and type of the alcoholic beverages licenses held by business owners in Burgundy Park Shopping Center. The Council discussed that **Jonathan's** restaurant had on-premises sales (Class B Restaurant license), and staff advised there were no other license holders that would be affected by the zoning changes being discussed that would prohibit sales for off-premises consumption.

Tia Ochi, a small independent family owned restaurant in Burgundy Park Shopping Center, holds a Class D Beer & Light Wine license which by state law authorizes its holder to sell beer and light wines at retail for consumption on the premises or elsewhere (off-premises). Tia Ochi has been serving the neighborhood since 2006.

Rockville residents and the Council have repeatedly demanded that provision be made in every master plan to preserve and encourage the small independent businesses in Rockville that distinguish the City from the greater region. Neighborhood centers like Burgundy Park have been fostering small locally owned businesses for decades. **Tia Ochi's** existing small business' livelihood which depends on both on-premises and carry-out food and beverage sales should not be ignored or discounted in a broad zoning action. Rendering an existing use non-conforming provides no comfort to the small business owner. Please draft appropriate zoning to actually preserve and encourage Rockville's small business community and its neighborhood centers.

The owner of the Burgundy Park Shopping Center has never sought any change to its zoning category and objects to any change which would hurt any one of its family of small independent business owners. We have faith that this Council can craft zoning provisions that preserve, encourage, and protect **Tia Ochi** and other small businesses at Burgundy Park Shopping Center

Very truly yours,
SHULMAN, ROGERS, GANDAL,
PORTY & ECKER, P.A.

By

Nancy P. Regelin



"Jim Reschovsky"
<jreschovsky@verizon.net
>

08/27/2008 11:55 PM

To <mayorcouncil@rockvillei

cc

bcc

Subject WGCA position on zoning for the Woodley Gardens
Shopping Center

Dear Mayor Hoffmann and members of the Council,

It has come to me attention that there might be some confusion as to the position of the Woodley Gardens Civic Association regarding the zoning of the Woodley Gardens Shopping Center so let me reiterate our position, as stated in my earlier testimony to you.

The Association is opposed to zoning the shopping center MXNC, the zone it was assigned in the draft ordinance forwarded to you from the Planning Commission. This zone would significantly increase the possible density and height of buildings on the site as compared to current zoning, in a manner that we feel is inappropriate given the small size of the property and proximity of residential properties. Moreover, we are concerned that a larger scale development of the site would jeopardize the ability of locally owned, non-chain businesses to serve our neighborhood.

The Association proposes instead that the site be zoned MXC. This classification preserves the current building height and set back restrictions. We recognize that MXC allows residential as well as commercial and office uses on the site, while the current commerical zone does not allow residential uses. We don't judge that to be a major issue for our community. I might note, however, that the zoning ordinance presented to the public did not present the possibility of retaining the commerical zone.

Should the Mayor and Council reintroduce a commerical zone back into the ordinance, our preference between MXC and the new commercial zone would of course depend on the nature of permitted uses and other restrictions under the new commercial zone. One issue that has come up in your discussions concerns the ability to sell alcoholic beverages for off site consumption. While I am sure there would be some difference of opinion on this issue within Woodley Gardens, I was reminded that the people in our community did come out forcefully against such an activity when it was proposed by a store owner some years ago. I have no reason to believe that these preferences have changed.

Thanks very much,

Jim Reschovsky
President, Woodley Gardens Civic Association



Brenda Bean/RKV
09/02/2008 09:15 AM

To "Wicker, Ellen" <Ellen.Wicker@bcbsa.com>
cc bblumberg@abarisrealty.com,
mayorcouncil@rockvillemd.gov, Deane Mellander/RKV,
Susan Swift/RKV, Jim Wasilak/RKV,
bcc

Subject Re: Rezoning Woodley Gardens

Dear Ms. Wicker ~

I wanted to acknowledge receipt of your e-mail and to also thank you, on behalf of the Mayor and Council, for taking the time to write.

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929

"Wicker, Ellen" <Ellen.Wicker@bcbsa.com>



"Wicker, Ellen"
<Ellen.Wicker@bcbsa.com>

09/02/2008 09:15 AM

To <mayorcouncil@rockvillemd.gov>
cc <bblumberg@abarisrealty.com>
Subject Rezoning Woodley Gardens

Dear Mayor and City Council:

I am absolutely opposed to the effort that became to be known as the Rockville Zoning Ordinance Revision Committee (RORZOR.)

The now zoned Woodley Gardens Shopping Center is "C-1" 30 feet/two story no residential and is proposed to be zoned as MXNC "Mixed Use Neighborhood Scale," which allows 45 feet/four story with residential. This new zoning may embolden Woodley Gardens Shopping Center's current or future owners to maximize their investment by increasing height and density once RORZOR passes.

The last thing our community wants to see a four story commercial/residential structure juxtapositioned in the middle of our homes and parks, more traffic, less parking and failing local businesses, due to higher rent.

I am opposed to:

1. any re-zoning of the Woodley Gardens to MXNC zoning (45 foot/4 story height), and
2. the MXNC residential component (condos/apartments).

I advocate to maintain the current C-1 zoning (30 foot, 2 story non-residential); to re-open the RORZOR public record, to advocate for one last public hearing to object to these changes since there was no information sent to me as a local citizen involved in these discussions.

Thank you for consideration of this request. Please add these remarks to the minutes of the September 8th meeting, in the event that I may not be able to attend.

Ellen Wicker
767 Azalea Drive
Rockville, MD 20850
301-309-0895

Statement of
Frank W. Connolly
617 Azalea Drive, Rockville, MD
to
Rockville Mayor and Council
September 8, 2008

Mayor Hoffmann and Members of the Council, my name is Frank Connolly. My wife Anne and I have been Rockville residents for the last 37 years. I want to thank you for allowing me to take a few minutes of your time this evening to express my views on the City's new zoning regulations.

To begin I would like to compliment you and the city staff for the extensive research and work that has gone into formulating these new zoning regulations. After 32 years it was time to update the codes and it took a major effort to complete the task.

My concern tonight is with one small piece of the staff recommendations you are about to adopt -- and it is my understanding that this particular item has not yet been finally resolved. My concern is with proposed classification of the Woodley Gardens Shopping Center as a Mixed-Use Neighborhood Commercial District (MXNC). That is a zone that allows for *low to moderate* density development of retail, service, office, and residential uses, and taller buildings than are currently allowed.

To put things in perspective let me explain that for the first 35 of our 37 years as Rockville citizens Anne and I lived on Pitt Court in the College Gardens neighborhood. As our home emptied of kids we started looking to *down size* our housing. We found a wonderful home at 617 Azalea Drive. It is near public transportation and city parks. It's a short walk to the Woodley Gardens Shopping Center which means without getting in our car: we can stroll to Carmen's for an ice cream, a trip that one can enjoy making frequently; we can literally run to Suburban Federal Bank; or take a slow, less enthusiastic walk to our dentist. There's even a choice of restaurants. We moved to Woodley Gardens to downsize our living quarters but without downsizing our quality of life. It is the amenities and friendly ambiance of our neighborhood that attracted us, it is a wonderful area in which to live, one that is enriched by the shopping center. Think of our neighborhood and its shopping center as a neighborhood that works.

As you review and finalize the various zoning categories across the City I ask you to keep the Woodley Gardens Shopping Center as close to its current zoning classification as possible. From my reading of the new regulations that would be classifying it as a Mixed-Use Commercial Zone (MXC) where *low density development* is allowed, rather than the MXNC classification proposed that would allow **moderate density development**.

In summary, congratulations on completing the revision of Rockville's zoning regulations, but please don't change in integral piece of a neighborhood that works. Classify Woodley Gardens Shopping Center as MXC.

Thank you.

September 8, 2008

Subject: Rezoning of Woodley Gardens along Nelson Street

Good evening Mayor Hoffmann and Members of the City Council.

My name is Maritsa George. I live in Woodley Gardens on Azalea Drive in Rockville.

I'm here this evening to express my opposition to the impending re-zoning of the Woodley Gardens Shopping Center on Nelson St.

In the twenty years I have lived in the Woodley Gardens neighborhood, I have seen a marked increase in the traffic and congestion on Nelson St. This has meant that at times it is very difficult for anyone to drive onto Nelson St from any of the 9 streets which must use Nelson to exit our neighborhood. The increase in traffic made it difficult for pedestrians too. Three years ago a pedestrian-activated flashing light had to be installed at the cross walk on Nelson and Azalea to stop traffic and allow pedestrians to cross.

Traffic and congestion on Nelson St have increased in part to the continuing expansion of Montgomery College whose enrollment currently stands at more than 15,000 students. Nelson St. is the main road leading from exit 6 on highway 270 to the College grounds.

In fact, traffic has increased not only on the streets of my immediate neighborhood, but on all the streets connecting the commercial areas on 355 to any of the exits onto 270 with Nelson St. serving as a major conduit.

As it stands now the Woodley Gardens Shopping Center is a perfect fit for our neighborhood and confirms the scale of our community with its small shops and service businesses. The two story building is in harmony with the size of the trees and houses nearby.

Any change in the rezoning of this pleasant area which would permit the construction of a larger building will adversely change the scale and intimacy of our park-like neighborhood into yet another anonymous strip mall and increase the traffic beyond the capacity of our already over-burdened street.

In reading the September issue of, 'Rockville Reports', I note that Mayor Hoffmann and many council members describe Rockville's neighborhoods as "unique" (Mayor Hoffmann) and "distinctly hometown" (Councilman Gajewski).

I urge the Mayor and City Council to maintain the Woodley Gardens Shopping Center as a C-1 zone only, so that the very qualities praised in 'Rockville Reposts' can be supported.

STATEMENT OF CHRISTOPHER HUNTON of 609 Azalea Dr., Rockville. MD 20850

My name is Christopher Hunton, and I have lived at 609 Azalea Drive in Rockville for more than 4 years. I am also the 2nd Vice President of the Board of Directors of the Woodley Gardens Cooperative.

Woodley Gardens is a wonderful place to live. It is an attractive and comfortable neighborhood, whose character is determined by three key factors: population density, the volume of traffic, and land use.

All three of these vital components would be altered to the detriment of the Woodley Gardens neighborhood if the zoning classification of the Woodley Gardens Shopping Center was changed to allow 4-story buildings with a mix of residential and commercial use.

Also, the Woodley Gardens Shopping Center is located directly across from playgrounds and sports fields, which are used by hundreds of children each month. The increased traffic concomitant with a change to the current zoning would present a significant threat to the safety of those children.

September 8, 2008

Exhibit No. 96
Zoning Ordinance Rewrite
PH Dates: 6/16 & 6/30/08

Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850
Attn: Mayor and City Council

Re: Opposition to Woodley Gardens Shopping Center Up-Zoning

Good evening, Mayor Hoffmann, City Councilmembers City Staff, ladies and gentlemen. I am Drew Powell. I reside at 1035 Carnation Drive in Woodley Gardens, Rockville.

Every attempt must be made by the City of Rockville to contact ALL stakeholders, concerning specific zoning proposals and changes. It is not enough to mention RORZOR or general city zoning code in "Rockville Reports," without notifying concerned citizens and business owners about *specific* zoning changes, which may impact their homes, businesses and quality of life.

In the case of the Woodley Gardens Shopping Center, business owners and nearby citizens residing in Regents Square and the Woodley Gardens Coop, were never informed by the City. There were no postcards mailed, no signs posted. No way for ordinary citizens to know about specific zoning changes. These citizens are very concerned about the lack of notification and the potentially negative impacts this up-zoning may bring.

As you know, in written testimony, oral testimony before this body and again in recent written testimony via email, Jim Reschovsky, President of Woodley Gardens Civic Association, pleaded with this council to consider MXC [or C zoning] as opposed to MXNC zoning regarding the Woodley Gardens Shopping Center.

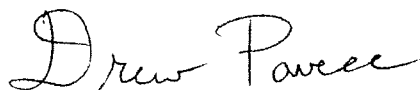
Businesses, such as Carmen's Italian Ice (represented tonight by its owner Jason Mandler), which just last Friday severed the City of Rockville well at "Volunteer Appreciation Day," may be negatively affected by this attempted up-zoning. He and business owners like those of Hard Times Café, Lezzet Turkish Market, Chicken Tonight and many others deserved to be notified. As Rockville's financial backbone, these businesses pay permitting fees and taxes as well create much needed local jobs. Notification is essential in that these business owners may see increased rents, decreased customer parking and disruption of business at a time when they can least afford it. We don't need any more stories like those of Roger Miller.

In last Wednesday's Gazette, Warren Crutchfield summed the current state of affairs best, when he said, "Time and time again, when residents unite and raise their valid concerns, they are dismissed, first by the Planning Commission and now by the mayor's comments."

According to the August 20th Gazette, "[Planning] Commissioner John Tyner expressed interest in getting the "non-squeaky-wheel public" involved in the process..." Well, the non-squeaky-wheel public" is here and *wants* to be involved. If timely notification is provided, given a seat at the table; they will gladly participate.

Real inclusion must be embraced by Rockville City government, instead of just going through the motions. Leave the zoning of the Woodley Gardens Shopping Center as it is. Help business owners protect their businesses. Help citizens preserve their quality of life. Thank you. ■

Most sincerely,



Drew Powell



Brenda Bean/RKV
09/10/2008 11:34 AM

To "lillian butler" <lily3bgood@gmail.com>
cc mayorcouncil@rockvillemd.gov, Susan Swift/RKV@RKV,
Deane Mellander/RKV@RKV, Jim Wasilak/RKV@RKV
bcc
Subject Re: Rezoning of Woodley

Dear Ms. Butler ~

On behalf of the Mayor and Council, thanks very much for your note. The draft Zoning Ordinance will again be the topic of discussion tomorrow evening at a Mayor and Council worksession should you wish to tune in. The meeting will begin at 6:30 and will be televised on TRC 11.

Thanks for your interest and your input.

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929
"lillian butler" <lily3bgood@gmail.com>



"lillian butler"
<lily3bgood@gmail.com>
09/09/2008 02:21 PM

To mayorcouncil@rockvillemd.gov
cc
Subject Rezoning of Woodley

Dear Mayor and City Council:


I was unable to attend the Citizen Forum last night but I did watch the proceedings on the Rockville TV station today. Had I been there, I would have joined in protesting the rezoning of Woodley Gardens. You heard many of my neighbors speak to this issue and I am eager some feedback from you.

I sincerely hope that you have taken our objections to heart and have reconsidered this undesirable rezoning.

Yours truly,
Lily Butler
771 Azalea Dr.
Rockville, MD 20850



Brenda Bean/RKV
09/10/2008 11:57 AM

To Larry Gordon <lgordon@srgpe.com>
cc dmellander@rockvillemd.gov,
jwasilak@rockvillemd.gov,
mayorcouncil@rockvillemd.gov,
bcc
Subject Re: Most Recent Draft Zoning Ordinance Changes Made
Available September 5, 2008 

Dear Larry ~

On behalf of the Mayor and Council, and other staff who received your note, thank you for writing.

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929
Larry Gordon <lgordon@srgpe.com>



Larry Gordon
<lgordon@srgpe.com>
09/08/2008 12:55 PM

To <mayorcouncil@rockvillemd.gov>
cc <SBlock@rockvillemd.gov>, <sullery@rockvillemd.gov>,
<sswift@rockvillemd.gov>, <jwasilak@rockvillemd.gov>,
<dmellander@rockvillemd.gov>
Subject Most Recent Draft Zoning Ordinance Changes Made
Available September 5, 2008

Dear Mayor Hoffmann and Members of the City Council,

As you are aware, I have been an active participant in the City's new Zoning Ordinance process. I was able to obtain a copy of the latest Staff Draft Ordinance just this past Friday, September 5. The latest revisions are extensive and will take more time to fully digest. Accordingly, I respectfully request that, in light of these most recent changes, the record be opened to allow for additional public comment and that an additional Work Session (beyond the one scheduled for Thursday, September 11) be scheduled to enable you to consider and respond to comments received from the public.

As examples of my concern, I offer the following preliminary comments:

1. The "Conforming Structure" language now moved to Article 8 has been further revised. This was a major point of public discussion in the Ordinance and any changes require an opportunity for public comment.

2. New conditions have been recommended for Motor Vehicle Facility conditional use approval. Once again, automobile industry representatives need an opportunity to understand and respond to such proposed changes.

3. The Ordinance does not yet address the previously raised possibility of increasing building height in the MXCD from 75 feet to up to 120 feet where approved by the Mayor and Council in a final Sector, Master or Project Plan. The potential for additional building height would help encourage future mixed use redevelopment. Note that the pending Rockville Pike Sector Plan does not include all properties in the City that are expected to be zoned MXCDD. Accordingly, the Rockville Pike Plan and any associated Zoning Ordinance changes might not address the totality of the MXCD building height issue.

Thank you for your consideration.

Very truly yours,
Larry Gordon, Esq.
Shulman Rogers Gandal Pordy & Ecker, P.A.

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Thank you.

Exhibit No. 99
Zoning Ordinance Rewrite
PH Dates: 6/16 & 6/30/08

Brenda Bean/RKV
09/10/2008 12:04 PM

To Peter Mork <peter.mork@gmail.com>
cc mayorcouncil@rockvillemd.gov, Susan Swift/RKV@RKV,
Jim Wasilak/RKV@RKV, Deane Mellander/RKV@RKV
bcc
Subject Re: Mixed use at Burgundy Estates

Dear Mr. Mork ~

On behalf of the Mayor & Council, I wish to acknowledge receipt of your email. Thank you for taking the time to write and for your interest.

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929
Peter Mork <peter.mork@gmail.com>

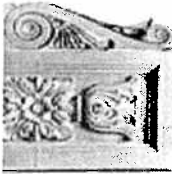


Peter Mork
<peter.mork@gmail.com>
09/06/2008 03:16 PM

To <mayorcouncil@rockvillemd.gov>
cc
Subject Mixed use at Burgundy Estates

I've now had a chance to review in much greater detail the zoning plans for the Burgundy Estates shopping center (thanks Ann Wallace!). It is my understanding that the allowed density at that location would not change (but new rules governing the number of parking spaces would be added). As a result, I rescind my previous objections with respect to mixed use at that site.

Thanks,
Peter Mork



Claire Funkhouser/RKV
09/10/2008 12:06 PM

To Brenda Bean/RKV@RKV
cc
bcc
Subject Fw: Rockville's Pending Zoning Ordinance

History:

☞ This message has been forwarded.

Claire F. Funkhouser, CMC
City Clerk/Treasurer
City of Rockville
City Clerk's Office
111 Maryland Avenue
Rockville, Maryland 20850
Phone: 240-314-8282
FAX: 240-314-8289

Email: cfunkhouser@rockvillemd.gov

----- Forwarded by Claire Funkhouser/RKV on 09/10/2008 12:14 PM -----



"Gerard Murphy"
<gm@wanada.org>

09/08/2008 04:14 PM

Please respond to
<gm@wanada.org>

To <mayorcouncil@rockvillemd.gov>
cc
Subject Rockville's Pending Zoning Ordinance

Dear Mayor Hoffman and Members of the City Council:

On behalf of the Washington Area New Automobile Dealers Association, I request that you defer action on the pending Zoning Ordinance review on issues which affect our members. As you are aware, the staff recommendations were posted on the city's website on Friday, Sept 5, 2008. The latest staff recommendations raise a variety of issues that we need time to clearly understand on behalf of our members.

We are particularly concerned about the "Conforming Structure" language. This issue was a major point of our previous letter and the new language will require reasonable time to review.

Also, new conditions have been recommended for Motor Vehicle Facility conditional use approval. Once again, automobile industry representatives require an opportunity to understand and to respond to such proposed changes.

The Ordinance does not yet address the previously raised possibility of increasing building height in the MXCD from 75 feet to up to 120 feet where approved by the mayor and Council in a final Sector, Master or Project Plan. The potential for additional building height would help encourage future mixed use redevelopment as part of an automobile dealership redevelopment proposal. The pending Rockville Pike Sector Plan does not include all properties in the City that are expected to be zoned MXCD. Accordingly, the Rockville Pike Plan and any associated Zoning Ordinance changes

might not address the totality of the MXCD height issue.

Thank you for your consideration.

Very truly yours,

Gerard N. Murphy
President & CEO

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Washington, DC 20015
Tel. 202-237-7200 x15
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